

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

HOMER JONES,)	
)	
Petitioner,)	
)	
vs.)	NO. CIV-18-633-HE
)	
WARDEN BEAR,)	
)	
Respondent.)	

ORDER


Petitioner Homer Jones, a state prisoner appearing *pro se*, filed a habeas petition and a motion seeking leave to proceed *in forma pauperis*. Consistent with 28 U.S.C. § 636, the matter was referred to Magistrate Judge Charles B. Goodwin for initial proceedings. The magistrate judge recommends that petitioner's motion be denied, based on his determination that petitioner currently has an available balance of \$324.45 in his institutional savings account, which is sufficient to prepay the \$5.00 filing fee.

Petitioner failed to object to the Report. He thereby waived his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see* 28 U.S.C. §636(b)(1)(C).

Accordingly, the court adopts Magistrate Judge Goodwin's Report and Recommendation. Petitioner's motion [Doc. #2] is **DENIED**. Petitioner is advised that unless he pays the \$5.00 filing fee in full to the clerk of the court on or before the **15th day of August 2018**, this action will be dismissed without prejudice to refile, unless plaintiff shows good cause for his failure to do so. See LCvR3.3(3).

IT IS SO ORDERED

Dated this 25th day of July, 2018.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE